

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MARY LEE <i>et al</i> ,	§	
	§	
<i>Plaintiffs</i> ,	§	Civil Action No. 1:08-CV-719
	§	
v.	§	JUDGE RON CLARK
	§	
TRICENTURY CORP. <i>et al</i> ,	§	
	§	
<i>Defendants</i> .	§	

**ORDER GRANTING PARTIES' JOINT MOTION TO DISMISS**

Before the court is the joint motion to dismiss with prejudice filed by Plaintiffs Mary Lee *et al* and Defendants TriCentury Corp.; Clifford Roth; Judith Roth; Marge Stalzer; Benson Title Co., Inc.; Marjorie Abalos; Marjorie Abalos Trust; TRN-TMK, Ltd.; and Far Seas Investments, Ltd.

Subject to the court's Final Judgment as to TriCentury's Cross-Claims Against Clifford Roth Only, entered contemporaneously with this Order, the parties state that they have reached a settlement that has compromised, discharged, settled, resolved and released all claims, counterclaims, cross-claims, third-party claims, causes of action and/or claims of any kind, whether known or unknown, that may have existed, may currently exist and/or may exist in the future that are asserted, were asserted, could have been asserted and/or could be asserted in this action and/or in any other legal proceeding anywhere that arise out of, relate to and/or pertain to this action and/or the finances, ownership, management, operation and/or oversight of TriCentury Corporation (except

as otherwise noted in the Parties' December 30, 2011 Comprehensive Settlement Agreement with Mutual Releases) (collectively, the "Claims and Causes of Action").<sup>1</sup>

IT IS THEREFORE ORDERED that the parties' Joint Motion to Dismiss [Doc. # 485] is GRANTED. The court will DISMISS WITH PREJUDICE all claims, counterclaims, cross-claims, third-party claims, and causes of action asserted by or against Plaintiffs Mary Lee; Bryan Lee; LaMendola Family Limited Partnership; Rick Grable; Grable Investments; TD Ameritrade Clearing, Inc.; FBO Richard E. Grable II IRA; Lolu Family Partnership, L.P.; Loyu Family Partnership, L.P.; Stephen Weatherford, Trustee, Associated Cardiovascular & Thoracic Surgeons, LLP, Retirement Plan; Restituto Baluyot; Griselda Baluyot; Jacqueline Ryall; Robert Dunham; Scot Sheldon; Kathleen Roche; Jerry Roche; Michael Oszczakiewicz; Sterling Trust Co., Custodian FBO Li Chen Ma IRA; Sterling Trust Co., Custodian FBO Sun Ann Ma IRA; Ronald P. Palang; Theresa Palang; Sterling Trust Co., Custodian FBO Ronald Palang IRA; Hongbo Shi; Sue Ann Ma; Li-Chen Ma; Stephen Weatherford; Susan Grable; Citigroup Global Markets, Inc.; Joseph Ryall; Sterling Trust Co., Custodian FBO Jacqueline Ryall; Plaintiff Does 1-20; and Defendants TriCentury Corp.; Clifford Roth; Judith Roth; Marge Stalzer; Benson Title Co., Inc.; Marjorie Abalos; Marjorie Abalos Trust; TRN-TMK, Ltd.; and Far Seas Investments, Ltd.

IT IS FURTHER ORDERED that any all claims are DISMISSED as to the remainder of the Defendants, namely: TRN-TMK LLC, d/b/a Benson Title Co., Inc.; Marjorie Stalzer; Lone Summit

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<sup>1</sup>In keeping with the parties' motion to dismiss and announcement of settlement on the record in January 2012, the court understands this motion to dismiss to also dismiss any and all claims asserted against those Defendants who have not appeared, and which often seem to be alternate names or a/k/as of other current or previously-dismissed Defendants. Pursuant to the court's Order Governing Proceedings, the court also dismisses any and all claims against fictitious Defendant Does 21-40. Doc. # 3 at 5. **In other words, this order disposes of the case entirely.**

Labs, Inc.; Casa Grande Development Corp.; Benson Holding Corp.; Evergreen Financial Services, Inc.; Evergreen Financial Services, Inc.; Elaine Polsky Trust; Titan Private Security Vault LLC; Titan Data Safe LLC; Robert Allen; George Roth; Janice Roth; Barbara Roth; Grigor Atoian; Atoian Associates; Connie Dang; Bank of America; Bank of Philippines; MidWest Trust Co.; Karolyn Kemper Medwed; Sheldon Medwed; Kent Konkol; Bar Konkol; LLM Development Group, Inc.; Wea Lee; Marilyn Gaar; Ridgemar Group LLP; Walnut Acres Investments, LLC; and Does 21-40.

IT IS FURTHER ORDERED that unless the parties have agreed otherwise, costs shall be borne by the party incurring the same.

So **ORDERED** and **SIGNED** this **24** day of **February, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge